

REMARKS

In response to the Office Action mailed July 26, 2005, Applicant respectfully requests consideration and entry of this Amendment and submits the following remarks. Claims 1-88 were previously pending in this application. By this amendment, Applicant is canceling claims 60-88 without prejudice or disclaimer, amending claim 41, and provisionally electing, with traverse, the claims of Group I (claims 1-41) and the species of Figures 14-28 for prosecution on the merits. As a result, claims 1-59 are pending, with claims 1 and 42 being independent claims.

1. Telephone Discussion With Examiner Fox

On August 18, 2005, the undersigned telephoned Examiner Fox to discuss the Office Action mailed July 26, 2005. The undersigned queried whether the filing of one or more divisional applications directed to non-elected claims would in any way be expedited if such divisional applications were filed in the immediate future, rather than waiting until prosecution of the present application was closed. Examiner Fox indicated that such an immediate filing of such divisional application would most likely not expedite their examination, as they would generally be taken up in terms of their filing dates.

During the telephone conversation, it was noted that the restriction requirement incorrectly listed the claims of Group V as claims 77-99, when it should have referred to claims 77-88 (there being only 88 claims in this application). The undersigned indicated that he understood the above to be simply a typographical error, and would respond accordingly.

The undersigned thanks Examiner Fox for the courtesies extended during this telephone discussion.

2. Claim Amendments

A minor punctuation error has been corrected in claim 41. Specifically, in the first line of claim 41, the period has been changed to a comma.

3. Restriction Requirement, Election of Species, and Response Thereto

In the Office Action mailed July 26, 2005, the claims were restricted into 5 Groups:

Group I: Claims 1-41, drawn to a substrate and manifold, classified in class 137, subclass 884;

Group II: Claims 42-59, drawn to a substrate, classified in class 137, subclass 884

Group III: Claims 60-64, drawn to a gas panel, classified in class 137, subclass 599;

Group IV: Claims 65-76, drawn to a manifold, classified in class 138, subclass 106; and

Group V: Claims 77-99[sic 88], drawn to a method and apparatus for mounting, classified in class 411, subclass 81.

Response to Restriction Requirement

Applicant respectfully traverses the Restriction of the claims of Group I and Group II.

For a restriction to be proper, the inventions must be independent or distinct as claimed, and “there must be a serious burden on the examiner.” (See MPEP Section 803, page 800-4, Rev. 2, May 2004.) Section 808.2 of the MPEP states that where the related inventions as claimed are shown to be distinct under the criteria of MPEP §806.05(c)-§806.05(i), the examiner, in order to establish reasons for insisting upon restriction, must show by appropriate explanation one of the following:

- A. Separate classification thereof;
- B. A separate status in the art when they are classifiable together; or
- C. A different field of search.

MPEP Section 808.2 further states that “[w]here, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among related inventions.”

In the present Restriction, the claims of Group I (claims 1-41) and the claims of Group II (claims 42-59) are classified in the same class 137 and the same subclass 884. Further, there is only one independent claim in Group I, and only one independent claim in Group II. Applicant respectfully asserts that there should be no undue to the Examiner in searching and examining both the claims of Group I and the claims of Group II, and therefore traverse the Restriction Requirement with respect to the claims of Group I and Group II. The Restriction with respect to Groups III through V is not traversed.

Should the Examiner continue to insist upon restriction between the claims of Group I and the claims of Group II, then by this Response, Applicant provisionally elects, with traverse, the claims of Group I, including claims 1-41 for examination in this application.

Response to Election of Species

The Office action also indicated that this application contains claims directed to the following patentably distinct species of the claimed invention:

Figures 1-13; and

Figures 14-28.

By this response Applicant elects the species of Figures 14-28 for examination in this application. Applicant points out that claims 1-15, 18-34, 37-41 and 42-55 are generic to both the species of Figures 1-13 and the species of Figures 14-28, with claims 16, 17, 35, 36, 56, and 57 being specifically directed to the species of Figures 1-13, and with claims 38, 39, 40, 41, 58, and 59 being specifically directed to the species of Figures 14-28.

Applicant notes that a divisional application is currently being prepared to pursue the claims of Group III directed to a gas panel.

CONCLUSION

In view of the foregoing, consideration and favorable action is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is respectfully requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,
Kim Ngoc, Vu, Applicant

By: 

Robert A. Skrivanek, Jr., Reg. No. 41,316
LOWRIE, LANDO & ANASTASI, LLP
One Main Street
Cambridge, Massachusetts 02142
United States of America
Telephone: 617-395-7000
Facsimile: 617-395-7070

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